

TO: All Legislators

**FROM: Representative Felzkowski
Senator Bernier & Senator Ringhand**

DATE: February 6, 2020

RE: Co-Sponsorship of LRB-5620, relating to: licensing of Naturopathic Doctors who have graduated from accredited naturopathic medical schools.

Deadline: Noon, Friday, February 14

We are bringing this bill forward because the Wisconsin Naturopathic Doctors Association seeks licensure for their profession in Wisconsin, joining half of the country that already regulates naturopathic medicine. As of right now, 24 states and their licensing agencies recognize Naturopathic Doctors in the US (e.g. Arizona has licensed Naturopathic Doctors since 1935). The majority of Naturopathic Doctors are small business owners and employers in private practice clinics distributed in both urban and rural communities.

Naturopathic Doctors are independent providers who routinely collaborate in care with, and refer to, other medical providers. Naturopathic Doctors are well respected members in the medical community. For example, select clinical naturopathic practices serve as rotation sites for Family Medicine residents at UW Medical School. Naturopathic Doctors around the United States are required to have completed pre-med undergraduate requirements, followed by a four-year naturopathic medical program from a naturopathic medical school federally accredited by the U.S. Department of Education.

LRB 5620 will license Naturopathic Doctors and define their qualifications to practice within their scope of medical training, as well as what is excluded from that scope of practice. Their general scope of practice includes: diagnosis and treatment, conducting physical exams, the ordering and interpretation of labs and imaging, diet and lifestyle counseling, use of naturopathic therapeutics (which includes nutrition, herbs, vitamins, and minerals), and prescribe medications consistent with primary care and general family medical practice, such as high blood pressure medication or antibiotics for strep throat. In effect, this bill will codify what Naturopathic Doctors are already trained to do in other licensed states.

This bill will also allow Naturopathic Doctors to get malpractice insurance, increasing public safety. This bill establishes a Naturopathic Examining Board, which determines and upholds the ethical standards of the practice of naturopathic medicine. This will ensure public safety and the competency of Naturopathic Doctors by establishing minimum educational requirements, examinations, and annual continuing education requirements.

In a time when access to health care is a major issue, Wisconsin should be encouraging Naturopathic Doctors to establish practices in our state and employ Wisconsinites. Licensing Naturopathic Doctors will help the access to care issues faced by many communities.

This legislation does not inhibit any other natural health practitioners (for example, nutritional counselor, health coach, natural product retailer, or herbalist) who sell vitamins and supplements. They simply cannot refer to themselves as Naturopathic Doctors.

Without licensing, Naturopathic Doctors are restricted from fully serving those who seek out their care. If you would like to co-sponsor this legislation, or have any questions at all about provisions in the bill, please reply to this email or call Representative Felzkowski's office at 266-7694 or Senator Bernier's office at 266-7511 no later than **12:00 PM on Friday, February 14, 2020.**

Analysis by the Legislative Reference Bureau

This bill provides for regulation and licensing for the practice of naturopathic medicine. Current law does not regulate the practice of naturopathic medicine specifically, but does require a license in order to engage in anything that falls within the scope of certain other health care practices, including the practice of medicine and surgery.

Under the bill, subject to certain exceptions, no one may practice naturopathic medicine, as defined in the bill, or use the title "naturopathic doctor" or "naturopathic physician" or make similar representations without a license to practice naturopathic medicine. A license is granted by the seven-member Naturopathic Medicine Examining Board, which is created in the bill. Under the bill, the board must grant an initial license to a person who has completed a qualifying naturopathic medical program specified in the bill, has passed examinations specified in the bill, meets certain requirements that the board may establish, does not have an arrest or conviction record, and pays a fee. The bill allows the board to disqualify a naturopathic medical program that the board determines does not adequately prepare students to practice naturopathic medicine. Biennial renewal of a license requires completion of continuing education requirements established by the board, as well as satisfaction of other requirements the board may establish.

A naturopathic doctor licensed under the bill may practice naturopathic medicine, which is defined in the bill and includes a number of specific practices, as well as a number of practices that are excluded from the definition. The bill also allows the board to further define the scope of practice of naturopathic medicine by expressly authorizing or prohibiting certain practices. The practice of naturopathic medicine includes prescribing drugs, but the bill expressly prohibits naturopathic doctors from prescribing Schedule I and II controlled substances and narcotics classified under Schedule III.

The bill requires the board to promulgate rules that establish standards of practice for and a code of ethics governing the professional conduct of naturopathic doctors, continuing education requirements for licensure renewal, and examination standards for licensure, including required passing scores. The bill allows the board to establish other requirements for initial licensure or renewal of a license and also allows the board to adopt minimum malpractice insurance requirements for naturopathic doctors. The bill includes provisions for the professional discipline of licensees, which allow the board to take certain actions against a licensee who violates certain prohibitions in the bill.

Finally, the bill also applies certain other laws, such as the law providing for confidentiality of health care records and the health care workers whistleblowers protection law,

to licensed naturopathic doctors and allows naturopathic doctors to perform certain actions that can be performed by physicians or other health care providers, including allowing a naturopathic doctor who is directly involved with the care of a patient to pronounce a patient's date, time, and place, but not cause, of death.